

## **STAFF REPORT**

To: Planning and Economic Development Committee

Date: May 12, 2010

From: Judy Daniel, Director Planning and Development

Subject: UDO Modification Options for Consideration

**Phase I** – Staff is currently completing a proposed Table of Uses for the Zoning section of the UDO that consolidates similar uses, establishes use categories, renames certain uses, and renames certain zoning districts that will make it easier to understand what types of uses are allowed in what zoning districts. The staff is completing this complex and detailed task now.

Although it is primarily a technical exercise, there will be some new options offered for separating certain uses into larger and smaller types, which would be allowed as permitted or permitted with special standards depending on their size in certain zones. When it is completed it will go to interested business and civic groups to get their thoughts, then to the Planning and Zoning Commission, then to the PED Committee, and the Council for consideration.

**Phase II** – Staff will next study and potentially propose consolidation of a very few zoning districts that are essentially similar in character in instances where a zone is rarely used and allows uses similar to those allowed in another existing zone.

The staff may also propose to change the name of some districts that are labeled as commercial districts, but are already mixed-use (including residential uses) in character. These districts differ more in intensity of use than in types of uses allowed. Revealing this would be a good step toward understanding and acceptance of how much mixed-use is already allowed in the city.

Because this step would be substantially more than a technical exercise, when completed it would first be presented to interested business or civic groups for their thoughts before going to the Planning and Zoning Commission, the PED, and the Council for consideration.

**Phase III** – Staff research into form-base code or hybrid codes already in use in the region, or nationally for cities with characteristics similar to Asheville. Staff would do on-line research, and perhaps visit a few cities in the general region to see how the code functions and is being received by the public and by the business community.

**Phase IV** – Obtaining community input as to what characteristics of the zoning requirements are considered problematic and should be considered for change.

Like most issues in Asheville, we anticipate hearing different concerns from civic, and neighborhood groups than we would from business groups. Although there is at least some level of agreement as to the problems with the UDO, there are differing ideas that need to be heard and evaluated as to what aspects cause the problems and why. The staff would meet with a range of groups, present the basic concepts of form based zoning, and gather ideas from the public.

Following the national/research and this community information gathering, the staff would provide a report to the PED Committee with recommendations as to the scope of issues that we might want to include in proposals from consultants.

This report would also present an alternative option for staff to work on a more substantial consolidation/collapse of the number of zoning districts in the city. As the general mixed use nature of many zones becomes apparent, it may be philosophically easier (even if technically difficult) to merge a number of zones. This could be undertaken by the staff, but would not be logical if the Council should choose to pursue the more complex option of retaining a consultant for a conversion of the zoning code in the UDO into a form based or hybrid code.

**Phase V** – If the PED and Council choose to pursue a consultant for changing the zoning code affecting all or parts of the City, the staff will present a recommendation for a proposal for a RFQ for a consultant to create a form-based code or hybrid form-based code for the project specified. A key decision at this time would be deciding whether to consider changes for the entire city, or just for key corridors and centers. That decision could result in a substantial difference in the estimated costs for consultants.

A number of more progressive cities are moving toward form-based or partial-form based zoning code for all or part of their cities. Often this change is directed at certain parts of the city, but not all; as creating the templates required for this type of zoning is complex and architecturally oriented rather than use oriented. Often, it is used in key commercially oriented mixed-use corridors and business districts; but not necessarily in residential neighborhoods.

If the consolidated Table of Uses is adopted, and if proposals for zone consolidation are adopted, and if the city already knew what direction it wished to proceed with changes to the UDO, there would be less work for the consultant, and consequently there would be a somewhat reduced cost for the city. Asheville could consider the following options for a consultant:

1. Creation of an entirely new zoning section for the UDO pertaining to the entire City, with wholesale replacement of the entire Euclidean code with a new form-based or hybrid code. This would essentially rezone the entire city and create a code with substantially fewer separations of uses and substantially more design standards and restrictions. This would be the most expensive and complex option but also the most integrated and comprehensive.

2. Creation of a form-based or hybrid code for certain sections of the city – perhaps the primary commercial corridors and commercial centers. The remainder of the city (primarily the single-family residential zones and industrial areas) would remain under existing requirements.

This project might establish 5 or more types of mixed-use areas: City Center (CBD), Neighborhood Centers, Urban Corridors, Neighborhood Corridors, and Regional Corridors. These areas would have form-based or hybrid codes that establish appropriate densities (measured in floor area ratios rather than units per acre and square footages), and establish architectural standards for buildings rather than using setbacks and heights.

### **Policy Considerations**

Whether a full or partial code change is required, it is important to realize that the hardest part of this process is that of determining what the form is to be.

Asheville has long faced conflicts between those who want maximum flexibility in creating parking, signage, and bulk on their property; and those who value limits on those aspects in order to create more walkable, transit and pedestrian-oriented (less vehicle-oriented), looking and functioning commercial corridors. Efforts to bridge those divergent opinions have derailed in the past. If the city (residents and merchants) have turned a corner and are prepared for a conversation about this again – especially for the neighborhood oriented centers and corridors – there is much to be gained.

It must be noted, that this type of code, while easier to apply and review, is not necessarily easier to understand than traditional codes. It is graphically complex and philosophically oriented toward building rules that work toward a pre-determined visual community objective, rather than the individual desires of each separate property owner.

It is also instructive to remember that it took the Design Review Committee working on the UDO changes for the Downtown Master Plan ten months to work through agreements on the code changes for just the downtown area and that cities that have undertaken large replacements report that the process takes between 2-4 years depending on scope, community involvement, and available resources.